NO. X06-UWY-CV-18-6046436-S	**:**	**SUPERIOR COURT**
ERICA LAFFERTY, ET AL.	**:**	**COMPLEX LITIGATION DOCKET**
V.	**:**	**AT WATERBURY**
ALEX EMRIC JONES, ET AL.	**:**	**JULY 12, 2021**

NO. X-06-UWY-CV18-6046437-S	**:**	**SUPERIOR COURT**
WILLIAM SHERLACH	**:**	**COMPLEX LITIGATION DOCKET**
V.	**:**	**AT WATERBURY**
ALEX EMRIC JONES, ET AL.	**:**	**JULY 12, 2021**

NO. X06-UWY-CV-18-6046438-S	**:**	**SUPERIOR COURT**
WILLIAM SHERLACH, ET AL.	**:**	**COMPLEX LITIGATION DOCKET**
V.	**:**	**AT WATERBURY**
ALEX EMRIC JONES, ET AL.	**:**	**JULY 12, 2021**

PLAINTIFFS' OBJECTION TO THE
JONES DEFENDANTS' MOTION FOR COMMISSION

The Jones defendants have moved for a commission to depose former presidential candidate and Secretary of State Hillary Clinton. She has no relation whatsoever to this case, and her deposition could only be abusive, harassing, and an undue burden—on both Ms. Clinton and the plaintiffs—with no likelihood of producing any admissible evidence. In addition to their admitted antipathy toward Ms. Clinton, the Jones defendants' illogical and groundless purported basis for the deposition strongly indicates that their Motion is frivolous and intended to achieve objectives unrelated to the merits of this litigation.

The Jones defendants' Motion claims that one of their purposes in seeking Ms. Clinton's deposition is to inquire as to how the plaintiffs' case in this litigation is being funded. Besides

having nothing to do with Ms. Clinton, this line of inquiry is irrelevant, inappropriate and not proper for discovery in this case. It also calls for information protected by the attorney-client and work-product privileges. It is not a proper subject of inquiry for Ms. Clinton or any other witness.

I. FACTUAL AND PROCEDURAL BACKGROUND

On several occasions, responding to actions by the Jones defendants, this Court has admonished the parties against inappropriate filings or discovery requests. For instance, on May 6, 2021, this Court admonished counsel, warning that "a lawyer shall not counsel or assist another person to . . . make a frivolous discovery request." Ex. A, 5/6/2021 Hrg. Tr. 15:8–14 (citing Conn. R. Prof. Conduct 3.4). It also noted that "obstructive tactics are sanctionable" and "[d]ilatory practices [in discovery] may be misconduct." *Id.* at 13:20–14:17 (citing Conn. R. Prof. Conduct 3.2). More recently, the Court admonished the parties to limit their filings to the substance of the legal and factual matters in issue. *See* Hrg. Tr. 2–3, Dkt. 372.00, June 16, 2021. It noted that "filings that are not relevant and material to the matter before the Court are subject to sanctions." *Id.* (citing Pract. Book § 1-25). It continued: "So everyone is on notice. . . . I don't want to have to go through extraneous materials and colloquy and things that don't matter to the underlying motion." *Id.* In response to another filing by the Jones defendants, this Court entered an order "not[ing] that ad hominem criticism of the court is inappropriate." Order, Dkt. 376.10, June 30, 2021. It commented that the accusations by the Jones defendants were "lacking in propriety and d[id] nothing to advance the defendants' argument." *Id.* It warned: "Accordingly, counsel and the defendants are cautioned that the court will impose sanctions should they continue to engage in inappropriate commentary in pleadings filed with the court." *Id.*

On July 1, 2021, during their first deposition of a plaintiff in this case, the Jones defendants filed a motion for a commission to take the deposition of former presidential candidate and U.S.

Secretary of State Hillary Clinton. Defs.' Mot. for Commission, Dkt. 384.00, July 1, 2021. In the motion, the Jones defendants represented that, "[o]n advice of counsel, at least one plaintiff has refused to answer how so many of the clients all ended up represented by the same firm." *Id.* at 2. It continued: "The witness claimed not to know how her legal fees were being paid." *Id.* By the Jones defendants' own description in the motion, this information was derived wholly from the deposition of the plaintiff, which had been marked Highly Confidential – Attorneys Eyes Only.[1] *See id.* They did not challenge the material's designation before filing or file the Motion under seal.

In their motion, the Jones defendants represented that they "believe that this suit was filed six years after the shootings at Sandy Hook as part of a vendetta inspired, orchestrated and directed in whole or in part by Hillary Clinton as part of a vendetta to silence Alex Jones after Ms. Clinton lost the presidential race to Donald J. Trump." *Id.* They continued: "The litigation is brought and pursued in bad faith as part of a partisan effort to silence Mr. Jones for reasons wholly independent of the merits of the plaintiffs' claims." *Id.* They argued: "Someone directed all of the plaintiffs to the same firm many years after the shooting. The defendants are entitled to know who and why." *Id.* "The defendants seek to depose Ms. Clinton," they claimed, "to gather further information about how it is that so many plaintiffs found themselves represented by the same firm so long after the events giving rise to the complaint, but shortly after Ms. Clinton suffered a deeply humiliating defeat in her run for the presidency in 2016." *Id.*

[1] It should be noted that in addition to violating the Protective Order, the Jones defendants mischaracterize the testimony at issue. The plaintiff-deponent did not testify merely that she did not know how her legal fees were being paid, but rather that she could not respond without reviewing the retainer agreement.

II. ARGUMENT

Discovery is inappropriate "when the purpose of a discovery request is to gather information for use in proceedings other than the pending suit" or "a party's aim is to delay bringing a case to trial, or embarrass or harass the person from whom he seeks discovery." *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 353 n.17 (1978) (collecting cases and noting that "a court is not required to blind itself to the purpose for which a party seeks information"). "While our rules of discovery are liberal, they are not meant to be used to conduct fishing expeditions[.]" *Torres v. Ngo Ong*, 2014 WL 6476637, at *3 (Conn. Super. Ct. Oct. 23, 2014) (Wilson, J.) (citing *Picketts v. Int'l Playtex, Inc.,* 215 Conn. 490, 508 (1990)). The Jones defendants' Motion is frivolous and can serve only to harass, abuse, and unduly burden both the deponent and the plaintiffs. Additionally, the line of inquiry it intends—into the plaintiffs' funding of this case—is irrelevant to any claim in this case and constitutes a highly improper fishing expedition. This Court should therefore deny the Jones defendants' Motion for a Commission to depose Ms. Clinton.

A. Legal Standard

"Our rules of discovery are meant to serve the ends of justice by 'facilitating an intensive search for the truth through accuracy and fairness, provid[ing] procedural mechanisms designed to make a trial less a game of blindman's bluff and more a fair contest with the basic issues and facts disclosed to the fullest practicable extent.'" *Picketts v. Int'l Playtex, Inc.,* 215 Conn. 490, 508 (1990) (citations omitted). However, "they are not meant to be used to conduct fishing expeditions." *Torres v. Ngo Ong*, 2014 WL 6476637, at *3 (Conn. Super. Ct. Oct. 23, 2014) (Wilson, J.) (citing *Picketts*, 215 Conn. at 508. The Practice Book provides that discovery "shall be permitted" when it is "material to the subject matter involved in the pending

action," "would be of assistance in the prosecution or defense of the action," or is "reasonably calculated to lead to the discovery of admissible evidence." Practice Book § 13-2. Non-party discovery is inappropriate where it is for a purpose not directly related to claims in the case. *See Constr. Servs. of Bristol, Inc. v. CDC Fin. Corp.*, 2000 WL 1770277, at *3 (Conn. Super. Ct. Oct. 19, 2000) (Kocay, J.) (granting protective order and citing cases preventing non-party discovery where appears relevant only to unrelated or post-judgment claims).

Courts have routinely denied non-party discovery where it seems aimed at a purpose not directly related to claims in the case. *Constr. Servs. of Bristol, Inc. v. CDC Fin. Corp.*, 2000 WL 1770277, at *3 (Conn. Super. Ct. Oct. 19, 2000) (Kocay, J.) (granting protective order and citing cases preventing non-party discovery where appears relevant only to unrelated or post-judgment claims). Seeking discovery for the purpose of strengthening a claim in a separate litigation may be sanctionable. *See Errant Gene Therapeutics, LLC v. Sloan-Kettering Inst. for Cancer Research*, 2017 WL 2418742, at *3 (S.D.N.Y. June 5, 2017) (collecting cases sanctioning parties for using protected information in service of another litigation).

B. This Court Should Deny the Jones Defendants' Motion for a Commission to Depose Hillary Clinton

In their Motion, the Jones defendants represented that "[o]n advice of counsel, at least one plaintiff has refused to answer how so many of the clients all ended up represented by the same firm" and that "[t]he witness claimed not to know how her legal fees were being paid." Defs.' Mot. for Comm. 2. In addition to being derived wholly from the protected deposition of the plaintiff—and therefore a violation of this case's Protective Order—these purported bases for Ms. Clinton's deposition are a not a proper line of inquiry. Indeed, this Court has since characterized much of the related line of questioning as "literally . . . a fishing expedition" and "not proper inquiry," and barred inquiry by the Jones defendants into matters related to any settlements with other defendants

in this case. 7/2/21 Hrg. Tr. 49–51, Dkt. 398.00, July 7, 2021; Order, Dkt. 389.00, July 2, 2021 (holding same).

In their Motion, the Jones defendants claim they "believe that this suit was filed . . . as part of a vendetta inspired, orchestrated and directed in whole or in part by Hillary Clinton as part of a vendetta to silence Alex Jones." *Id*. Their sole basis for this claim is that one of the plaintiffs in this case "was invited to speak at the Democratic National Convention in 2016" and "was also praised thereafter by Hillary Clinton." *Id.* This purported factual basis is so groundless and illogical—and the claim so outlandish—that the Motion is frivolous on its face. This Court should reject it out of hand.

Moreover, even if these accusations had a whiff of factual basis—which they do not—they would not be proper bases for discovery. As this Court has already noted, the plaintiffs' strategic calculations in weighing their decision to bring these claims are irrelevant to those claims' merits. There is absolutely no evidence on this point that would be appropriate for a jury. Nearly all of the information related to those decisions would also be privileged under either the Work-Product or Attorney-Client Privilege.[2] Even if the Jones defendants' purpose in filing the Motion was to prepare for some sort of vexatious litigation claim, such discovery would not be appropriate as part of this case. Under Connecticut law, "[i]n vexatious litigation claims, termination in the

[2] In every deposition of a plaintiff so far, the Jones defendants have asked the plaintiffs numerous improper questions about their arrangements with counsel, including: how the case is being funded, their arrangements between themselves and counsel, what settlements have been obtained against other defendants, and how any such settlements have been disbursed among the plaintiffs. In addition to calling for information protected by the attorney-client and work-product privileges, the Court has already characterized much of this line of inquiry as "literally . . . a fishing expedition" and "not proper inquiry" and barred the defendants from pursuing it. 7/2/21 Hrg. Tr. 49–51; Order, Dkt. 389.00. Nevertheless, they have persisted in doing so in each of the depositions since. Indeed, in the most recent deposition, counsel for the Jones defendants acknowledged that the Court had ruled that inquiry concerning settlement issues was "inappropriate" and that he was pursuing such inquiry in violation of the Court's order to preserve the record for appeal.

plaintiff's favor is not only essential to the claim's legal sufficiency, but also a prerequisite for a finding that the claim is ripe." *Sethi v. Yagildere*, 2015 WL 600926, at *4 (Conn. Super. Ct. Jan. 15, 2015) (Kamp, J.) (citing *Keller v. Beckenstein*, 122 Conn. App. 438, 444 (2010), *rev'd on other grounds*, 305 Conn. 523 (2012)). Accordingly, "a counterclaim alleging vexatious litigation may not be brought in the same action as that which the defendant claims is vexatious." *Id.* (quoting *Somers v. Chan*, 110 Conn. App. 511, 542 (2008)). Indeed, seeking discovery for the purpose of strengthening a claim in a separate litigation is sanctionable. *See Errant Gene Therapeutics*, 2017 WL 2418742 at *3 (collecting cases sanctioning parties for using protected information in service of another litigation). The Jones defendants' Motion is a frivolous, abusive discovery request that misuses this Court for the purpose of advancing an attention-grabbing conspiracy theory that has no basis in fact.

Additionally, the Jones defendants' admitted antipathy toward the requested deponent further strengthens the already strong inference that the Jones defendants made this filing for the improper purpose of attracting publicity, harassing Ms. Clinton, or both. Discovery is inappropriate "when the purpose of a discovery request is to gather information for use in proceedings other than the pending suit" or "a party's aim is to delay bringing a case to trial, or embarrass or harass the person from whom he seeks discovery." *Oppenheimer Fund*, 437 U.S. at 353 n.17. Our "rules of discovery . . . are not meant to be used to conduct fishing expeditions." *Torres*, 2014 WL 6476637 at *3 (citing *Picketts*, 215 Conn. at 508). In their Motion, the Jones defendants admit that they consider Secretary Clinton a political and personal antagonist, noting that she "has been the target of vitriolic criticism by Alex Jones." Defs.' Mot. 2. This circumstance should Motion cast even a darker shadow on the Jones defendants' objectives in seeking her deposition.

For all these reasons, this Court should deny the Jones defendants' Motion, and order the Jones defendants to cease their inquiry concerning the manner in which their litigation is being funded and other aspects of or arrangements concerning their legal representation in this or other cases.

III. CONCLUSION

For all the foregoing reasons, the Jones defendants' Motion for Commission for a deposition of Hillary Clinton should be denied.

THE PLAINTIFFS,

By: */s/ Christopher M. Mattei*
CHRISTOPHER M. MATTEI
ALINOR C. STERLING
MATTHEW S. BLUMENTHAL
KOSKOFF KOSKOFF & BIEDER
350 FAIRFIELD AVENUE
BRIDGEPORT, CT 06604
asterling@koskoff.com
cmattei@koskoff.com
mblumenthal@koskoff.com
Telephone: (203) 336-4421
Fax: (203) 368-3244
JURIS #32250

CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and *pro se* appearances as follows:

For Alex Emric Jones, Infowars, LLC, Free Speech Systems, LLC, Infowars Health, LLC and Prison Planet TV, LLC:
Jay Marshall Wolman, Esq.
100 Pearl Street, 14th Floor
Hartford, CT 06103
jmw@randazza.com
P: 702-420-2001

Norman A. Pattis, Esq.
Kevin Smith, Esq.
Pattis & Smith, LLC
383 Orange Street, First Floor
New Haven, CT 06511
P: 203-393-3017
npattis@pattisandsmith.com
ksmith@pattisandsmith.com

For Genesis Communications Network, Inc.
Mario Kenneth Cerame, Esq. (and via USPS)
Brignole & Bush LLC
73 Wadsworth Street
Hartford, CT 06106
mario@brignole.com
mcerame@brignole.com
P: 860-527-9973

/s/ Christopher M. Mattei
CHRISTOPHER M. MATTEI
ALINOR C. STERLING
MATTHEW S. BLUMENTHAL

EXHIBIT A

DOCKET NO: X06-CV-18-604643609S	:	SUPERIOR COURT
ERICA LAFFERTY, ET ALS.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

DOCKET NO.: X06-CV-18-6046437S	:	SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

DOCKET NO.: X06-CV-18-6046438S	:	SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:
ATTORNEY CHRISTOPHER MATTEI
ATTORNEY ALINOR STERLING
ATTORNEY MATTHEW BLUMENTHAL
Koskoff Koskoff & Bieder
350 Fairfield Avenue
Bridgeport, CT 06604

Representing the Defendants, Alex Emric Jones; Infowars, LLC; Free Speech Systems, LLC; Infowars Health, LLC; Prison Planet TV, LLC:
ATTORNEY JAY M. WOLMAN
Randazza Legal Group, PLLC
100 Pearl Street, 14th Floor
Hartford, CT 06103

Recorded By:
Jocelyne Greguoli

Transcribed By:
Jocelyne Greguoli
Court Recording Monitor
400 Grand Street
Waterbury, Connecticut 06702

DOCKET NO: X06-CV-18-604643609S:		SUPERIOR COURT
ERICA LAFFERTY, ET ALS.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

++

DOCKET NO.: X06-CV-18-6046437S:		SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

++

DOCKET NO.: X06-CV-18-6046438S:		SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:
ATTORNEY CHRISTOPHER MATTEI
ATTORNEY ALINOR STERLING
ATTORNEY MATTHEW BLUMENTHAL
Koskoff Koskoff & Bieder
350 Fairfield Avenue
Bridgeport, CT 06604

Representing the Defendants, Alex Emric Jones; Infowars, LLC; Free Speech Systems, LLC; Infowars Health, LLC; Prison Planet TV, LLC:
ATTORNEY JAY M. WOLMAN
Randazza Legal Group, PLLC
100 Pearl Street, 14th Floor
Hartford, CT 06103

Recorded By:
Jocelyne Greguoli

Transcribed By:
Jocelyne Greguoli
Court Recording Monitor
400 Grand Street
Waterbury, Connecticut 06702

THE COURT: All right. Good -- Good morning, everyone. This is Judge Bellis and we're on the record in the Lafferty versus Jones related matters. I'll just use the one docket number CV-18-6046436.

And I'm going to ask counsel just first, as a general reminder, unless you're addressing the Court, please make sure that your device is muted so that we don't have a problem with feedback for the court reporter and also, it looks like everyone pretty much has their name signed in, but in any event, just each time you're addressing the Court, if you would restate your name just to make it easier for the monitor who is not sitting in the courtroom right now.

Okay. So starting with plaintiffs' counsel. And I hope everyone is safe and well.

ATTY. MATTEI: Thank you and good morning, Your Honor. It's Chris Mattei on behalf of the plaintiffs and I'm joined by my colleagues, Alinor Sterling and Matt Blumenthal.

THE COURT: Just give us one moment, please.

Attorney Mattei, can you just, one more time, state your name for the record? Let's see if we have -- Because right now I don't have audio.

ATTY. MATTEI: Sure. Can you hear me now, Your Honor?

THE COURT: Okay. Do you have audio on yours?

THE COURT OFFICER: Yeah. If I unplug it --

THE COURT: Just bear with us. Technical difficulties.

All right. Attorney Mattei, one last time.

ATTY. MATTEI: Can you hear me, Your Honor?

THE COURT: I can.

ATTY. MATTEI: Okay. Good morning. This is Chris Mattei on behalf of the plaintiffs in the three related matters. I'm joined by my colleagues Alinor Sterling and Matt Blumenthal.

THE COURT: Good morning.

ATTY. STERLING: Good morning, Your Honor.

THE COURT: And for the Jones defendants?

ATTY. WOLMAN: Yes, Your Honor. Good morning. This is Jay Wolman of Randazza Legal Group for defendants Alex Jones; Free Speech Systems, LLC; Infowars, LLC; Infowars Health, LLC; and Prison Planet TV, LLC.

THE COURT: All right. And I know Attorney Ferraro reached out to the new counsel for Genesis Communications and since they were not involved in the motions, they were not required to attend, although certainly, they could attend. I don't see anyone here now and that's fine.

I am going to order a transcript of today's proceedings and place it in the file because I'm not sure that we ended up streaming, so just so that we

have transparency, I'm going to do that.

So before I get started, I've -- I've reviewed everything, I believe, in connection with what I was -- the emergency motion for protective order and I just want to find out first, starting with the plaintiff and then defense counsel, whether there are any new developments that are not reflected in the motion for protective order related filings.

Anything that I should know from the plaintiffs' perspective?

ATTY. MATTEI: Chris Mattei, Your Honor. There's -- There's nothing else that I'm aware of.

THE COURT: Okay. And Attorney Wolman, anything that you're aware of that -- any new developments?

ATTY. WOLMAN: I don't believe so, at least nothing that would otherwise come up except in the context of arguing as to the propriety of the plaintiffs' request.

THE COURT: Okay. So I'm not -- We're -- I'm not sure what you mean by that.

ATTY. WOLMAN: I mean just in general as to our ability to coordinate with, for example, the witnesses to produce the information because -- the -- the deponents, as it were, because they are insisting instead that Free Speech Systems now be the one, even though they're directed.

Similarly, the needs of, for example, a new

mother and, you know, her fears of Your Honor allowed, for example, the issue of her personal contact information documentation be provided to plaintiffs which, under the orders, they're allowed to share with their clients, they're allowed to share with potentially Mr. Bengston (phonetic) which can get out to the world and, you know, place her in significant fear.

THE COURT: Well, that's a separate issue that I would think would be -- we could actually take that up maybe ahead of time.

So have you had any -- Is there any personal information -- and I don't see that that was in the filings that I was adjudicating today, but is there any kind of personal identifying information that -- for either of these deponents that you were asking plaintiffs' counsel not to disseminate in a certain manner and you were not able to reach an agreement such that you're going to file something with the Court?

ATTY. WOLMAN: Well, it hasn't yet come up. It hasn't, you know, fully ripened. However, Your Honor, I should note that, you know, Your Honor allowed request, I believe it was number five to Ms. Karpova from the original notice, which specifically requires production of her personally identifying information in a highly politically contentious case.

THE COURT: All right. So I'm not --

ATTY. WOLMAN: (Audio dropped) employee.

THE COURT: You -- You will not have an opportunity to reargue your objections, but generally speaking, in appropriate cases, if there is information along the lines, and I'm not saying in this case, but trade secrets or other, you know, personal identifying information, medical reports and the -- in the appropriate case, when there is a concern from counsel, they reach out, have discussions, and either have a formal order of confidentiality or some other order, but if you're now suggesting that you can't reach an agreement with Attorney Mattei or plaintiffs' counsel about information that you should -- believe should not be disseminated, then file a motion and I'll adjudicate it, but it was not brought to my attention, so that's like another layer of issues that was not raised and appropriately filed.

ATTY. WOLMAN: Your -- Your Honor, it -- She didn't have an infant when we filed the objections back in I think it was the end of October.

THE COURT: She -- I'm sorry?

ATTY. WOLMAN: She did not have the infant at the time we originally filed the objection.

THE COURT: I can't --

ATTY. WOLMAN: She has a newborn.

THE COURT: All right. She did not have?

ATTY. WOLMAN: A newborn baby at the time we filed the objections back in the end of October.

THE COURT: I -- I understand that, but you're talking about her -- the production of confidential -- her personal identifying confidential information.

ATTY. WOLMAN: Yes. The witness raised a concern for us as to that -- as to a new issue or her new concern is that she's now being made in a highly politically contentious case where who knows who's going to come out of the woodwork to harass her that they would get ahold of this information. And while there is, of course, a protective order already in this case, it's broad enough that, you know, the plaintiffs' counsel could then share that with their clients or potentially Mr. Bengston (phonetic) who can then disseminate it to anyone in the world.

THE COURT: Just give me one moment, if you would. I'm having some audio issues so just give me one moment.

All right. I'm going to try with the headphones at this point because I'm having a difficult time with the audio.

So I think what I'm going to do first is deal with the issues that I'm going to deal with and rule on the things that I need to rule on and then if there are additional issues that were not raised in

the briefs, then we can try to discuss them and if it's something that an agreement can be reached on today, that's fine. If not, you know, the appropriate filings can be made, but at this point, I'm not looking to not rule on these issues.

So Attorney Wolman, can you hear me?

ATTY. WOLMAN: Yes, I can, Your Honor.

THE COURT: Okay.

ATTY. WOLMAN: Can you hear me?

THE COURT: I -- I can now. I can now. Okay.

All right. So I'm going to ask you to mute and I'm going to address the motions that were before me. I have read everything. There's no argument as of right on the motions and because there were such full and complete filings, I really don't need any clarification or argument.

So in the November 6, 2020 objections to the Flores and Karpova depositions, the Jones defendants, and I'm just -- if I just refer to defendants, for purposes of today, I am just referring to the Jones defendants, not to the newly appearing defendants or any other defendants, but the Jones defendants cited six bases for the objections to the depositions.

One, that there was no good cause for the deposition; secondly, that there was an application for a stay filed with the U.S. Supreme Court which, in fact, by the way, was denied the day before the

objection was filed and was never corrected by the Jones defendants. The third basis was that the notice itself was facially defective; the fourth basis was that the deponents were not officers, directors, or managing agents and a subpoena would be required; the fifth basis was that defense counsel wanted to attend the per -- in person, but objected due to Covid; and the sixth was the document objection.

So in the initial filing, understandably, back in November of 2020, there was no mention at all of avail -- unavailability of either witness in the defendants' objections, but there was no mention of the witness' -- either witness' unavailability in the 16 page reply that was filed just last week.

So when the Court -- In -- In essence, I reviewed over 70 pages of filings in connection with the defendants' motion and at no point, especially in their 16 page reply, did the defendants disclose what appears to be a material issue that the deponents were reportedly unavail -- unavailable, regardless of what the Court's order was, so the position of the defendants was the witnesses aren't available and we can't produce them for the depositions, but never mentioned them while the Court was reviewing over 70 pages of filings.

So that is something that should have been put

forth in the -- at least when it was known in the reply that was filed just last week because clearly, the Jones defendants were aware that Ms. Karpova was on maternity leave when they filed their reply last week and that Ms. Flores was claiming that she was medically unavailable. That would have been the time to bring it to the attention of the Court.

I'm not suggesting -- I don't know and I don't really need to know at this point that -- Attorney Wolman, that you knew when you filed your reply, but clearly the Jones defendants who that reply was filed on behalf of knew of the situation of their -- of their employees. So that I find to be sort of problematic that this fundamental fact was omitted from the reply.

So that leads to the second problem and this one is directed more towards counsel. I -- I took -- I took the time and I made it painfully clear -- I could not have made it any clearer by words or by the filing of the transcript at our April 14th hearing -- that depositions do not get cancelled or go off simply by the filing of a motion for protective order or a motion to quash by the other side; that such a motion had to be timely filed and that it had to be granted in order for the deposition not to go forward. I put that transcript right in the file.

So instead, what we have here is the defendants

filed a motion for protective order on May 5th for a May 6th deposition and a May 7th deposition and that motion for protective order also addressed, obviously, the production requests. So it's, you know, essentially more than two weeks after the notice of deposition and after -- after defense counsel was aware of -- of the -- of the unavailability of the witnesses. So under no circumstances what I call the protective order, the emergency protective order filed on May 5th for the May 6th deposition and production requests, under no circumstances would I call that timely. I would call it untimely.

So now, despite my clear instructions, not to mention the rules of practice that we all practice under, the defendants are asking me to protect them from depositions and production requests, one of which was to take place today and one of which was to take place tomorrow -- tomorrow and I am at a loss as to why counsel informed plaintiffs' counsel last Friday of the reported unavailability, but didn't file anything with the Court until yesterday, again, the day before the deposition and document productions were due.

So getting to where we are, as I'm understanding it, the parties have now agreed that the deposition of Ms. Karpova will take place following her return

from maternity leave July 28th. I understand there's not an agreement. I understand -- I've read what the filings were, but I understand that there's an agreement that it won't take place during her maternity leave and I also understand that there is an agreement that Ms. Flores' deposition will not take place before her return to work on May 19th.

So I just want to point out for the record that while an agreement has been reached that the depositions will not take place before then, I -- I just want to make clear that we're all on the same page that the Court is not part of that agreement. That is your agreement. I would -- did not consider any evidence. I didn't have any hearings. I'm not making any findings, for example, that Ms. Flores was protected by Court order from testifying due to medical reasons.

I'm glad you were able to at least come to consensus on that, but whether or not the Court would have issued orders of protection is -- is not at play here because you've -- you've agreed that the depositions will not take place before those dates.

So in any event, in the filings, the defendants asserted that these two witnesses were not high-level employees and the Court sees no reason that their supervisors or that other employees could not gather the production materials which, right now, are due

today and tomorrow because no protective order ever issued on the depositions or the production requests.

So today is May 6th. I'm going to order that the documents be disclosed no later than the close of business, 5 p.m., on Friday, May 14th. I am not in any way, shape, or form suggesting that either of those individuals take away time from their maternity leave or from their medical leave to gather the documents. I'm simply going with the understanding, based on what the defendants have filed, that these are not high-level employees and that there obviously then are employees above their paygrade who can gather the limited documents that were requested.

With respect to the depositions themselves, based on your agreement that they would not take place while the individuals were out on maternity leave and out due to illness, I'm ordering that the deposition of Ms. Flores take place by June 4th or within one week of her return to work, whichever is earlier. I understand that she, I believe, was due to return to work, I think May 19th, if I'm reading my notes right.

And the deposition of Ms. Kar -- Karpova is ordered to take place by August 6th or one week of her return, whichever is earlier. So if she returns from her maternity week -- leave on July 28th, then her deposition will take place by August 6th, but if

she returns earlier than that, it will take place earlier, within a week of her return, whatever is earlier.

So I now want to go back to the ground rules and then after I refresh everybody's recollections on ground rules and how we're all going to conduct ourselves as parties and as attorneys, I'll then see if I can take up the issue of personal identifying information and whatever else Attorney Wolman's concern is and if we need to look at a particular production request, if we can do this informally, I'm happy to do it. I have the feeling that it's not going to be an issue.

So my next -- My first comments with respect to ground rules and how we're going to conduct ourself going forward is I just want to remind the parties, through their counsel, that evidence is to be marshalled by the parties fairly. Fairness. Fundamental fairness. Competitive discovery is permissible. All right. And obstructive tactics are sanctionable. It's really that simple.

My next comments, sadly, are directed to counsel, not the parties. So as you will all recall, with a very heavy heart in this case, I had previously referred the Jones defendants' prior counsel to the disciplinary authorities. Because I do not wish to do that again, I am directing counsel

-- and that's all counsel in this case -- to review the relevant sections of the Rules of Professional Conduct.

All right. It is good for all of us to review the rules. It's a good reminder for all of us to look at what is and what is not considered attorney misconduct under the rules and I truly mean this to be a general reminder that counsel need to abide by the rules of professional conduct for their own sake -- sakes. It is not meant to be harsh or heavy-handed. All right?

So with that, I'm going to have -- just refer counsel, and obviously you do this on your own time, just review, if you would, Rule of Professional Conduct 3.2, Expediting Litigation. A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client. Dilatory practices may be misconduct. It is that simple. All right. So just take a look at the rule, take a look at the commentary.

Rule 3.3, Candor Towards the Tribunal. All right. I was somewhat concerned at the time with the filing that suggested that there was a -- the request for the stay that was pending with the United States Supreme Court, but the filing itself was filed the -- after it had already been denied and no subsequent filing was ever made with the Court that the Court

saw by the Jones defendants. You may all get notice from higher courts when you appeal to the US Supreme Court, but I was the last one -- I would be the last one to find out, so it was incumbent upon whoever -- whatever counsel made that filing to correct it because it was -- it was not -- it was not correct. It's that simple.

And I would also refer you to Rule 3.4, Fairness To Opposing Party And Counsel. Subsection (4), a lawyer shall not counsel or assist another person to do any such act in pretrial procedure, make a frivolous discovery request, or fail to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party.

All right. So just -- Just refresh your familiarity with those sections so that as we move forward, we can hopefully avoid any -- any further issues.

All right. So I think I've -- I've addressed the issues with respect to when the depositions are going to take place and I've addressed the issues with respect to the deadlines for the document production. All right.

Now, Attorney Wolman, did you want to direct me to a partic -- I'll -- I'll try to do this if we can. I'm not sure we can do it today, but is there a particular production request that you're concerned

with that you would like me to look at because I'm happy to do it.

ATTY. WOLMAN: Yes, Your Honor, but before we do that, I do need to correct the record on Your Honor's admonitions.

The -- The objections to the depositions filed back in November, we had not yet received notice from the Supreme Court by then of that and af -- of the denial of the stay. With the -- At the time we filed, it had not yet been adjudicated or at least we had not yet received notice of it, rather.

And once, of course, opposing counsel made the Court aware of that, if Your Honor wants us to file, yes, we agree or yes, we acknowledge pleadings, so be it, but we did not raise that issue again when we filed our reply last month.

Similarly, as to the issues of when issues are raised before the Court, if Your Honor wants overlapping motions as to the same matters, fine. We will do that going forward. But we raised the issue as soon as -- with opposing counsel as soon as Your Honor adjudicated the objections and then Mr. Mattei emailed Mr. Ferraro on Monday the 3rd seeking a status conference on the issue. When we had not heard by close of business on the 4th, we filed on the 4th and the Court's order acknowledges that we filed later that day on the 4th, although it's E-

filed, treated as being on the 5th.

So we did timely raise this issue as reasonably practical --

THE COURT: I --

ATTY. WOLMAN: -- and possible following Your Honor's admonition.

THE COURT: All right. So counsel, here's what I would say moving forward: Attorney Ferraro is a wonderful court officer and I don't say that just because he's sitting in the courtroom with me, but he is here to help you with scheduling and things along those lines. You're not going to call him to ask him whether you should file a certain motion because he's not going to be able to give you legal advice and I made it clear that we're not going to have issues with last minute filings.

I don't want to get into a colloquy here. I said what I said. I made my ruling. I will just say in the future moving forward for your own sake that if you do, because at least with respect to the app -- the application for the stay with the US Supreme Court, what you filed with the Court on that day represented something that, in fact, was not accurate and I -- I would say it would have been incumbent upon you to correct what you had filed.

I did learn subsequently that it wasn't correct, but I just think just as we move forward, if it's

your or -- or even an innocent -- and I'm not saying it was anything but an innocent mistake, but it would be incumbent upon you to just correct that mistake because I don't want to have continued problems moving forward.

So I'm not going to have a colloquy here. I'm not going to ask Attorney Mattei to weigh in on anything that I said. I ruled on when the depositions were to take place. I ruled on -- on the production requests. If you would like me to look -- And -- And that's how it stands at this point. There's no order of protection with respect to dissemination of any of the materials.

If you want to try to informally look at a particular production request because you're concerned about personal identifying information or about the deponents, then I'm more than happy to try to look at it and see if we can informally fashion something that take -- alleviates your concerns and your employ -- the two employees that we're talking about, about their concerns.

So I have my case up if you want to direct me to one of the production requests. I'm sure we can try to -- to figure it out on --

ATTY. WOLMAN: Thank you, Your Honor.

THE COURT: Yeah.

ATTY. WOLMAN: I don't know which one you'd be

looking at, but it's the last one of the Karpova request.

THE COURT: Oh, so --

ATTY. WOLMAN: It was five originally. Now, it's down to four because they struck one.

THE COURT: All right. So if you give me a moment, let me go through and if anyone, in the meantime, knows where I -- on which motion or which entry number I can easily see it, just pipe up. Otherwise, I'll skip around. I -- I know I saw it originally. I just, right now, sitting here don't know which one it's in.

ATTY. MATTEI: Your Honor, one thing I can do is share my screen. I have it up right now. Would that be useful?

THE COURT: If we can -- If we can. I'm not sure.

ATTY. MATTEI: Certainly. Let me see if --

THE COURT: I'm not sure I --

ATTY. MATTEI: Oh, only a meeting organizer can --

ATTY. WOLMAN: I -- I believe I did attach them to the motion for -- the emergency motion, Your Honor.

THE COURT: Okay. Let me -- That's probably where I saw them. Just give me one moment and I'll --

ATTY. WOLMAN: And so that would be 326.00.

THE COURT: Okay. I'm in there. And let me just --

ATTY. WOLMAN: I believe I would have.

THE COURT: Yeah. I'm pretty sure that's where I saw them.

ATTY. MATTEI: It's Exhibit A.

THE COURT: Okay. Great.

ATTY. WOLMAN: So it would be on page nine -- eight of the PDF.

THE COURT: I have Schedule -- a Schedule A with four items.

ATTY. WOLMAN: Yes, Your Honor. That's --

THE COURT: Okay.

ATTY. WOLMAN: -- attached to the Karpova depo notice and it would be number four, all electronically stored contact information for the deponent, Alex Jones and David Jones, including, but not limited to, mobile telephone numbers, email addresses, and residential addresses.

THE COURT: Okay. And Attorney Mattei, is that something that you can address because I'm quite certain that none of us want our residential addresses and telephone numbers disseminated publicly.

ATTY. MATTEI: Yes, of course, Your Honor.

THE COURT: I don't --

ATTY. MATTEI: I -- I think that step one would be for Attorney Wolman to mark those documents as confidential under the existing protective order which would trigger a number of restrictions on us.

He's correct that under the existing protective order, confidential materials may be disseminated to a specific group of people who have signed the protective order and agreed to be found by its restrictions, including any other counsel, but if Attorney Wolman feels that those provisions are not sufficient for at least Ms. Karpova's information, I'm happy to discuss that with him and I don't think we'd have any problem with retaining her information solely within counsels' possession even though that would be broader than the existing protective order.

If that would put her at ease and put him at ease, we can do that. We -- We would make the same accommodation for either Alex Jones or David Jones, but again, they have the same protection over the protective order as anything else.

THE COURT: Attorney Wolman, does that alleviate your concerns?

ATTY. WOLMAN: I mean, we do appreciate Mr. Mattei keeping Ms. Karpova's information AEO. Still don't quite understand why they even need it or how this is even relevant.

THE COURT: But we're not going to -- We're not

-- We're not going down that road. I -- I am -- That, we're not going to do.

Okay. So what else for today, if anything?

ATTY. MATTEI: One other matter, Your Honor, from the plaintiffs -- I'm sorry. Can you hear me, Your Honor?

THE COURT: I can.

ATTY. MATTEI: The plaintiffs filed a motion to compel yesterday. We were hoping to get a briefing schedule on that. This relates to our second set of requests for production which were initially propounded in November and have been pending more than 60 days while this Court has had jurisdiction over it and so we filed a motion to compel yesterday. We're hoping to get a briefing schedule on that.

THE COURT: All right. Just give me one moment.

ATTY. MATTEI: This is -- I don't have the docket number. I'm sorry.

THE COURT: I have it. I have it.

ATTY. MATTEI: Okay.

THE COURT: Just give me one moment if you don't mind.

It looks like our next status conference is May 19th so I want it adjudicated -- I want to adjudicate everything that I can before that date so that we can see where that takes us.

So how long before that date do you need,

Attorney Wolman, to file your response to the motion?

ATTY. WOLMAN: Well, Your Honor, that's a little bit complex of a question, I would say. It's a little bit -- I don't think Your Honor realizes that there are certain inaccurate presumptions in it because it certainly -- our opposition to the motion would reference our forthcoming objections which are not yet due. Their calculations are grossly wrong and our actual response date is May 20th.

THE COURT: Well, why don't we try to see if we can figure that out now because obviously, there's some disagreement as to, so --

ATTY. WOLMAN: Sure, Your Honor. Last month, Mr. Mattei did a calculation based upon when his opposition to the motion to strike would be due. I believe it was on page nine of the transcript and specifically calculated it based off of -- and while he didn't explicitly say it, he calculated it based off of the April 2nd date, the actual remand occurred.

The motion filed yesterday calculates based upon an order for remand that was dated May -- March 5th, however, the March 5th order was not the actual remand. Remand does not occur until mailing and I'm happy to brief that issue, however, that -- based upon that very same calculation, if they were truly abiding that, then they should withdraw their

objection to the motion to strike as untimely.

The same math applies to us as it does to them. There are -- is not separate Alex Jones exception to the rules, at least there shouldn't be.

THE COURT: I think that we need to be consistent for sure. I do know that objections to motions to strike are not waived when they're -- under the law when they're not timely filed, that routinely people file objections, but objections to discovery requests are waived when they don't fall within the time frame. I'm not commenting on that.

I haven't looked at the remand -- the date to the remand, but I agree, Attorney Wolman, that we should be consistent with what we're doing here, but I do want to say that there is no waiver of the filing of an opposition to a motion to strike. In the old days, under the Practice Book, in fact, there was. If you didn't timely object to a motion to strike, you -- you -- you waived your right, but we changed the rules of practice, so sometimes they're filed really late, but discovery objections on the other hand, if there's not an extension of time that was granted or you have this unique situation like the remand, you lose the right to file the objections.

So it may be something then that has to get briefed unless you're prepared to respond and unless

you agree with Attorney Wolman, Attorney Mattei, because we sure would like to be consistent here.

ATTY. MATTEI: Yeah. So I think Attorney Sterling will handle the substance of the motion. I would just say that when we -- the Court requested a briefing proposal from us on the motion to strike and we offered to brief it in accordance with our calculation at the time or when it otherwise would have been due.

I do think it's important to have, to the extent we are calculating, anything pegged to the -- the remand, we should be consistent and I'll just ask Attorney Sterling to comment on -- on her calculation.

ATTY. STERLING: Yes, Your Honor. Attorney Sterling for the record. So I agree about consistency and I think what I need to do is go back and check the dates. We certainly don't want to be inconsistent in our calculations. So I -- I think that that's what we should do.

You know, it's -- It's helpful to hear Attorney Wolman's position on it. I just -- I don't want to race into recounting the dates, but if -- if we did -- if we were inconsistent, then we would withdraw the motion.

THE COURT: Right. And that would not be the end of the world. You know, I -- I don't want to --

We don't have to be so hyper-technical here. This is a rare case where there was a remand and it's -- it's somewhat harsh to cut such a fine line with the objections such that the defendants would lose their right to -- to -- to file objections when they intended on filing their objections.

So I would suggest to you that if it's a close call or if you're in an inconsistent position, that you just err on the side of withdrawing and let them file their objections which clearly, they would have intended to file but for the timing issues with the remand.

ATTY. STERLING: Yeah. Understood, Your -- Your Honor. Our -- And again, for the record, Attorney Sterling. Our goal is simply to move forward and -- and do that in a fair way.

THE COURT: Okay. All right. So because it's not -- I agree with you, Attorney Wolman, it's not quite as simple as I thought and you might need a little more time for briefing if counsel doesn't withdraw.

Why don't we say -- Today's the 6th. Why don't we say two weeks from the date they tell you whether or not they're going to pursue their motion or not. Okay? And so it doesn't look like I'll be able to adjudicate it before our next status conference, but at least we'll -- we'll figure out what we're doing

in that regard. Okay?

And hope -- And obviously, Attorney -- plaintiffs will take a look at it could we say in the next -- today's Thursday. By Monday can you let Attorney Wolman know your position as to whether you're going to --

ATTY. STERLING: Yes.

THE COURT: -- withdraw it or not?

ATTY. STERLING: Excuse me, Your Honor.

THE COURT: Okay.

ATTY. STERLING: Attorney Sterling. I didn't mean to talk over you, Your Honor.

THE COURT: That's okay.

ATTY. STERLING: I apologize.

THE COURT: I'm having a hard time. Okay.

ATTY. STERLING: (Audio dropped) to have a position by -- by tomorrow at the latest.

THE COURT: Okay. All right.

All right. Attorney Wolman, anything from you? I see that everyone's -- that everyone's filing along the lines of what we had talked about last time with dates, so that looks like it's all getting underway. Are there any other issues that you -- you want to address at this time, any -- any briefing schedules, anything?

ATTY. WOLMAN: I don't believe so, Your Honor.

THE COURT: Okay. All right. Thank you very

much.

As I said, we'll order a transcript, place it in the file and I hope everyone stays safe and well.

All right. And we're adjourned.

ATTY. WOLMAN: Thank you, Your Honor.

ATTY. STERLING: Thank you, Your Honor.

(The matter concluded.)

* * *

DOCKET NO: X06-CV-18-6046436095:		SUPERIOR COURT
ERICA LAFFERTY, ET ALS.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

DOCKET NO.: X06-CV-18-6046437S:		SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

DOCKET NO.: X06-CV-18-6046438S:		SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
PLAINTIFFS,	:	
v.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.,	:	MAY 6, 2021
DEFENDANTS	:	

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Complex litigation, Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 6th day of May, 2021.

Dated this 7th day of May, 2021 in Waterbury, Connecticut.

Jodelyne Greguoli
Court Recording Monitor